

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KEVIN J. BARRY (CABN 229748)
Assistant United States Attorney

450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: kevin.barry@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY RAY BURTON, and
DAWN MONIQUE MCCANN

Defendant.

No. CR 12-0406 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

The Court has set May 29, 2013 as the date for a further status hearing. Both defense counsel have recently had conflicts develop with that date, including a trial in another courthouse. In addition, the government recently produced final discovery and will be making plea offers shortly. The parties request that the Court set the next status hearing for July 10, 2013, at which time the parties anticipate either changes of plea or motions / trial setting.

The parties further request that time between these dates be excluded from any time limits applicable under 18 U.S.C. § 3161, for the purpose of continuity of counsel and effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE AND EXCLUDING TIME
CR 12-0406 MMC

1 SO STIPULATED:

2 MELINDA HAAG
3 United States Attorney

4 DATED: May 28, 2013

5 /s/
6 KEVIN J. BARRY
7 Assistant United States Attorney

8 DATED: May 28, 2013

9 /s/
10 JULIA MEZHINSKY JAYNE
11 Attorney for JOHNNY RAY BURTON

12 DATED: May 28, 2013

13 /s/
14 GEORGE BOISSEAU
15 Attorney for DAWN MONIQUE MCAN

16 [PROPOSED] ORDER

17 For the reasons stated above, the Court moves the next status hearing from May 29, 2013
18 to July 10, 2013 and finds that exclusion from the time limits applicable under 18 U.S.C. § 3161
19 of the period from May 29, 2013 to July 10, 2013, is warranted and that the ends of justice served
20 by the continuance outweigh the best interests of the public and the defendant in a speedy trial.
21 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would deny
22 counsel for the defendant and for the government the reasonable time necessary for effective
23 preparation and continuity of counsel, taking into account the exercise of due diligence, resulting
24 in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

25 IT IS SO ORDERED.

26 DATED: May 28, 2013

27 
28 THE HONORABLE MAXINE M. CHESNEY
United States District Judge